

111TH CONGRESS
1ST SESSION

S. 2129

To authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women’s History Museum.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women’s History Museum.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Women’s His-
5 tory Museum Act of 2009”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of General Serv-
5 ices.

6 (2) CERCLA.—The term “CERCLA” means
7 the Comprehensive Environmental Response, Com-
8 pensation, and Liability Act of 1980 (42 U.S.C.
9 9601 et seq.).

10 (3) COMMITTEES.—The term “Committees”
11 means the Committee on Transportation and Infra-
12 structure of the House of Representatives and the
13 Committee on Environment and Public Works of the
14 Senate.

15 (4) MUSEUM.—The term “Museum” means the
16 National Women’s History Museum, Inc., a District
17 of Columbia nonprofit corporation exempt from tax-
18 ation pursuant to section 501(c)(3) of the Internal
19 Revenue Code of 1986.

20 (5) PROPERTY.—The term “Property” means
21 the property located in the District of Columbia,
22 subject to survey and as determined by the Adminis-
23 trator, generally consisting of Squares 325 and 326.
24 The Property is generally bounded by 12th Street,
25 Independence Avenue, C Street, and the James For-
26 restal Building, all in Southwest Washington, Dis-

1 trict of Columbia, and shall include all associated air
2 rights, improvements thereon, and appurtenances
3 thereto.

4 **SEC. 3. CONVEYANCE OF PROPERTY.**

5 (a) **AUTHORITY TO CONVEY.**—

6 (1) **IN GENERAL.**—Subject to the requirements
7 of this Act, the Administrator shall convey the Prop-
8 erty to the Museum, on such terms and conditions
9 as the Administrator considers reasonable and ap-
10 appropriate to protect the interests of the United
11 States and further the purposes of this Act.

12 (2) **AGREEMENT.**—As soon as practicable, but
13 not later than 180 days after the date of enactment
14 of this Act, the Administrator shall enter into an
15 agreement with the Museum for the conveyance.

16 (3) **TERMS AND CONDITIONS.**—The terms and
17 conditions of the agreement shall address, among
18 other things, mitigation of developmental impacts to
19 existing Federal buildings and structures, security
20 concerns, and operational protocols for development
21 and use of the property.

22 (b) **PURCHASE PRICE.**—

23 (1) **IN GENERAL.**—The purchase price for the
24 Property shall be its fair market value based on its
25 highest and best use as determined by an inde-

1 pendent appraisal commissioned by the Adminis-
2 trator and paid for by the Museum.

3 (2) SELECTION OF APPRAISER.—The appraisal
4 shall be performed by an appraiser mutually accept-
5 able to the Administrator and the Museum.

6 (3) TERMS AND CONDITIONS FOR APPRAISAL.—

7 (A) IN GENERAL.—Except as provided by
8 subparagraph (B), the assumptions, scope of
9 work, and other terms and conditions related to
10 the appraisal assignment shall be mutually ac-
11 ceptable to the Administrator and the Museum.

12 (B) REQUIRED TERMS.—The appraisal
13 shall assume that the Property does not contain
14 hazardous substances (as defined in section 101
15 of CERCLA (42 U.S.C. 9601)) which require
16 response action (as defined in such section).

17 (c) APPLICATION OF PROCEEDS.—The purchase
18 price shall be paid into the Federal Buildings Fund estab-
19 lished under section 592 of title 40, United States Code.
20 Upon deposit, the Administrator may expend, in amounts
21 specified in appropriations Acts, the proceeds from the
22 conveyance for any lawful purpose consistent with existing
23 authorities granted to the Administrator; except that the
24 Administrator shall provide the Committees with 30 days
25 advance written notice of any expenditure of the proceeds.

1 (d) QUIT CLAIM DEED.—The Property shall be con-
 2 veyed pursuant to a quit claim deed.

3 (e) USE RESTRICTION.—The Property shall be dedi-
 4 cated for use as a site for a national women’s history mu-
 5 seum for the 99-year period beginning on the date of con-
 6 veyance to the Museum.

7 (f) REVERSION.—

8 (1) BASES FOR REVERSION.—The Property
 9 shall revert to the United States, at the option of
 10 the United States, without any obligation for repay-
 11 ment by the United States of any amount of the
 12 purchase price for the property, if—

13 (A) the Property is not used as a site for
 14 a national women’s history museum at any time
 15 during the 99-year period referred to in sub-
 16 section (e); or

17 (B) the Museum has not commenced con-
 18 struction of a museum facility on the Property
 19 in the 5-year period beginning on the date of
 20 enactment of this Act, other than for reasons
 21 beyond the control of the Museum as reason-
 22 ably determined by the Administrator.

23 (2) ENFORCEMENT.—The Administrator may
 24 perform any acts necessary to enforce the rever-
 25 sionary rights provided in this section.

1 (3) CUSTODY OF PROPERTY UPON REVER-
2 SION.—If the Property reverts to the United States
3 pursuant to this section, such property shall be
4 under the custody and control of the Administrator.

5 (g) CLOSING.—The conveyance pursuant to this Act
6 shall occur not later than 3 years after the date of enact-
7 ment of this Act. The Administrator may extend that pe-
8 riod for such time as is reasonably necessary for the Mu-
9 seum to perform its obligations under section 4(a).

10 **SEC. 4. ENVIRONMENTAL MATTERS.**

11 (a) AUTHORIZATION TO CONTRACT FOR ENVIRON-
12 MENTAL RESPONSE ACTIONS.—The Administrator is au-
13 thorized to contract, in an amount not to exceed the pur-
14 chase price for the Property, in the absence of appropria-
15 tions and otherwise without regard to section 1341 of title
16 31, United States Code, with the Museum or an affiliate
17 thereof for the performance (on behalf of the Adminis-
18 trator) of response actions (if any) required on the Prop-
19 erty pursuant to CERCLA.

20 (b) CREDITING OF RESPONSE COSTS.—Any costs in-
21 curred by the Museum or an affiliate thereof pursuant to
22 subsection (a) shall be credited to the purchase price for
23 the Property.

24 (c) RELATIONSHIP TO CERCLA.—Nothing in this
25 Act may be construed to affect or limit the application

1 of or obligation to comply with any environmental law, in-
 2 cluding section 120(b) of CERCLA (42 U.S.C. 9620(b)).

3 **SEC. 5. INCIDENTAL COSTS.**

4 Subject to section 4, the Museum shall bear any and
 5 all costs associated with complying with the provisions of
 6 this Act, including studies and reports, surveys, relocating
 7 tenants, and mitigating impacts to existing Federal build-
 8 ings and structures resulting directly from the develop-
 9 ment of the property by the Museum.

10 **SEC. 6. LAND USE APPROVALS.**

11 (a) EXISTING AUTHORITIES.—Nothing in this Act
 12 shall be construed as limiting or affecting the authority
 13 or responsibilities of the National Capital Planning Com-
 14 mission or the Commission of Fine Arts.

15 (b) COOPERATION.—

16 (1) ZONING AND LAND USE.—Subject to para-
 17 graph (2), the Administrator shall reasonably co-
 18 operate with the Museum with respect to any zoning
 19 or other land use matter relating to development of
 20 the Property in accordance with this Act. Such co-
 21 operation shall include consenting to applications by
 22 the Museum for applicable zoning and permitting
 23 with respect to the property.

24 (2) LIMITATIONS.—The Administrator shall not
 25 be required to incur any costs with respect to co-

1 operation under this subsection and any consent pro-
2 vided under this subsection shall be premised on the
3 property being developed and operated in accordance
4 with this Act.

5 **SEC. 7. REPORTS.**

6 Not later than 1 year after the date of enactment
7 of this Act, and annually thereafter until the end of the
8 5-year period following conveyance of the Property or until
9 substantial completion of the museum facility (whichever
10 is later), the Museum shall submit annual reports to the
11 Administrator and the Committees detailing the develop-
12 ment and construction activities of the Museum with re-
13 spect to this Act.

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